

REMARKS

Claims 1-9 are all the claims pending in the application. Claims 8 and 9 stand withdrawn from consideration in response to the Restriction Requirement of September 21, 2006.

New claims 10 and 11 are hereby added by this Amendment and are submitted to be allowable, at least because of their dependency from claim 1. New claims 12 and 13 are also added and submitted to be allowable for the same reasons set forth below with regard to claim 1.

Formalities

Applicants thank the Examiner for considering the references cited with the Information Disclosure Statement filed June 8, 2004 and indicating acceptance of the formal drawings.

Summary of Rejections

1. Claims 2-4 are rejected under 35 U.S.C. § 112, second paragraph as being indefinite.
2. Claims 1-7 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Smith et al. (US 6,228,317) in view of Nahill et al. (US 7,138,082).

Claim Rejection 35 U.S.C. § 112, Second paragraph

The Examiner rejected claims 2-4 under § 112, second paragraph as being indefinite.

In particular, with regard to claim 2, the Examiner contends that the claim contains the limitation of "about 4.711," while the specification contains the limitation "4.71."

Regarding claims 3 and 4, the Examiner contends that these claims are indefinite because the claim recites a ratio, but gives the ratio dimensions of inches.

Applicants respectfully submit that the present amendments to claims 2-4 obviate this rejection.

Claim Rejection - 35 U.S.C § 103(a)

The Examiner rejected claims 1-7 under § 103(a) as being unpatentable over Smith et al. (US 6,228,317) in view of Nahill et al. (US 7,138,082). In the rejection the Examiner contends:

Smith et al. teaches the basic method claimed as follows: placing a pre-heated preform (20) in a mold cavity (21) and blowing to form an intermediate article (23), which has a moil portion (24); and severing the moil portion (24) to provide the finished container (10). Regarding claim 1, Smith et al. further teaches that when the preform (20) is blown, it forms a threaded finish (17) having a wall of substantially uniform thickness which, in the preferred embodiment *is in* a range of from about 0.040 to about .45 inches (column 3, lines 63-64). Smith et al. does not teach that the wall thickness is 0.032-0.038 inches. Nahill et al. teaches *a* method of making a blow molded container with a threaded mouth (32) wherein the thickness of the threaded neck portion is 0.019 to 0.39 inches (column 4, lines 1-5). It would have been obvious to a person of ordinary skill in the art at the time of the invention to use Nahill et al. to modify the method taught by Smith et al. in order to form a container with a thinner wall, which would save material, cost, processing time, etc. The motivation to use the teachings of Nahill et al. to modify the method taught by Smith et al. is that both are in the same field of endeavor and solve the same problem, that of forming blow molded containers with threaded finishes.

(*Office Action*, p. 3)

In response, Applicants respectfully submit that the Examiner has failed to establish *prima facie* obviousness because the Examiner's proffered motivation to combine is not supported by the references, and further, Nahill teaches away from combining the references as suggested by the Examiner. Furthermore, even if combined as suggested, Applicants submit that the Nahill/Smith combination fails to teach or suggest stretching a preform to make threads having a wall thickness of 0.032-0.038 inches.

First, the Examiner contends that the motivation to combine "is that both are in the same field of endeavor and solve the same problem, i.e., that of forming blow molded containers with threaded finishes." (*Office ActionI*, p. 3) In contrast to the Examiner's contention, Applicants submit that Nahill is not directed to forming blow molded containers with threaded finishes. To

the contrary, Nahill is expressly directed to forming a blow molded container without a threaded finish. Specifically, Nahill teaches:

The preform is placed in a mold cavity having a first portion for forming a container body, a second portion adjacent to the first portion for forming a cylindrical finish wall without threads.
(Nahill, col. 1, lines 55-59)(emphasis added).

The whole of the Nahill disclosure, including the claims is consistent with this concept, i.e. forming a cylindrical finish wall without threads. In fact, Nahill is directed to swage-forming of the threads after the blow molding has occurred. (See Title, Abstract, col. 1, lines 65-67; col. 2, lines 13-15; col. 3, line 24 through col. 4, line 17.) Moreover, Nahill expressly teaches away from forming threads during blow molding. In this regard, Nahill teaches:

It has been proposed to fabricate a wide-mouth container by molding a narrow-neck preform and then blow molding the preform body within a cavity that forms the container body, a container finish with external threads, and a trim dome or moil. A problem with this technique is that the external threads on the container finish are blow molded, and are not as sharply defined and detailed as desired. Furthermore, this thread definition problem is exacerbated in the case of containers having at least an external surface of polyester construction, ***such as PET***, because the polyester material can strain hardens as it expands during blow molding, making it more difficult to force the finish material into the thread forming portions of the blow mold.
(Nahill, col. 1, lines 30-45).

Consequently, Nahill expressly teaches away from blow molding threads when forming wide-mouth PET plastic containers. Therefore, one of ordinary skill in the art would not be motivated to combine Nahill with Smith as suggested by the Examiner.

Finally, neither Nahill nor Smith teach or suggest, stretching a preform against the mold surface to form an intermediate article having a dome portion connected to the threaded neck portion of the container, the wall thickness of the threaded neck portion being within the range of 0.032-0.038 inches. The Examiner concedes that Smith fails to teach or suggest this feature.

(*Office Action*, p. 3). Further, Nahill fails to teach or suggest any wall thickness of a blow molded threaded portion. In fact, to the contrary, Nahill teaches of swage forming the threads after blow molding and expressly teaches away from blow molding any thread portions.

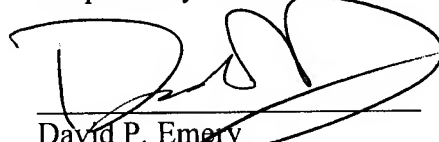
Thus, Applicants submit that claim 1 is allowable for at least this reason. Additionally, Applicants submit that claims 2-7 are allowable, at least because of their dependency from claim 1.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,


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